

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 9, 1969 to June 17, 1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Monday, May 12, 1969

Senate called to order by the President.

Prayer by the Rev. Fr. Henry B. Dallaire of Hallowell.

Reading of the Journal of yesterday.

Papers From the House**Non-concurrent Matter**

Bill, "An Act to Prevent the Pollution of the Waters of China Lake." (H. P. 1153) (L. D. 1475)

In the Senate May 1, 1969, Passed to be Engrossed in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-277) in non-concurrence.

On motion by Mr. Berry of Cumberland, tabled and tomorrow assigned, pending Consideration.

Non-concurrent Matter

Resolve, Authorizing W. H. Hinman, Inc., to Bring Civil Action Against the State of Maine. (S. P. 208) (L. D. 617)

In the Senate May 2, 1969, Leave to Withdraw Report Read and Accepted.

Comes from the House, Recommended to the Committee on Judiciary in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Relating to Hours of Sale of Liquor in Class A Restaurants, Hotels and Clubs." (H. P. 1147) (L. D. 1466)

In the Senate April 29, 1969, Passed to be Engrossed in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-297) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Providing Free Tuition at State Colleges for Students from Low Income Families." (S. P. 345) (L. D. 1211)

In the Senate April 22, 1969, Passed to be Engrossed as Amend-

ed by Committee Amendment "A" (S-84).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (S-84) and House Amendment "A" (H-283) in non-concurrence.

Mr. Levine of Kennebec moved that the Senate Recede and Concur.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and specially assigned for May 15, 1969, pending the motion by Mr. Levine of Kennebec to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Relating to Lack of Privy as a Defense in Action Against Manufacturer or Seller of Goods Under the Uniform Commercial Code." (H. P. 167) (L. D. 206)

In the Senate May 2, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (H-252).

Comes from the House, Recommended to the Committee on Judiciary in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Communications

State of Maine
Department of Education
Augusta, Maine

To the Members of
the 104th Legislature:

The State Board of Education herewith submits the sixth biennial report on school district organization. This report has been compiled to provide you with complete information on the progress of school district organization. We hope you will seriously consider the implication of school district organization on the educational programs and the fiscal limitations of state and local governments. Our recommendation appears on the second page and we urge full statewide discussion of the issues as legislative action is considered.

Respectfully submitted,
State Board of Education
(Signed)

Charles F. Bragg, II
Bernal B. Allen
Christo Anton

Kenneth F. Woodbury
 Margaret McIntosh
 Frank S. Hoy
 Ernest C. Marriner
 Carroll L. McKusick
 Paul V. Hazelton
 Lincoln T. Fish
 William T. Logan, Jr.,
 Commissioner

(S. P. 456)

Which was Read and with accompanying papers Ordered
 Placed on File.

Sent down for concurrence.

State of Maine
 House of Representatives
 Office of the Clerk
 Augusta, Maine

May 9, 1969

Hon. Jerrold B. Speers
 Secretary of the Senate
 104th Legislature

Sir:

The House having voted to Insist and join with a Committee of Conference on April 29, the Speaker today appointed the following Conferees on the part of the House on the disagreeing action of the two branches of the Legislature on:

Bill "An Act Requiring Placarding and Bills of Lading on Motor Vehicles Transporting Explosives and Other Dangerous Articles" (H. P. 1131) (L. D. 1453)

Messrs. LEWIN of Augusta
 FINEMORE

of Bridgewater
 RIDEOUT of Manchester
 Respectfully,

Signed: BERTHA W. JOHNSON
 Clerk of the House

Which was Read and Ordered
 Placed on File.

State of Maine
 House of Representatives
 Office of the Clerk
 Augusta, Maine

May 9, 1969

Hon. Jerrold B. Speers
 Secretary of the Senate
 104th Legislature

Sir:

The Speaker today appointed the following Committees of Conference on the disagreeing actions of the two branches of the Legislature on:

Bill "An Act Increasing Compensation of Members of Board

of Hairdressers" (H. P. 227) (L. D. 283)

Messrs. ROSS of Bath
 SOULAS of Bangor
 CARRIER of Westbrook

Bill "An Act Relating to Age Requirements for Kindergartens" (H. P. 458) (L. D. 595)

Mrs. CUMMINGS of Newport
 Messrs. MILLETT of Dixmont
 WAXMAN of Portland

Resolve in Favor of Town of Harrington for Medical Care of an Indigent. (H. P. 453) (L. D. 722)

Mrs. LINCOLN of Bethel
 Messrs. CURTIS of Bowdoinham
 QUMBY of Cambridge

Bill "An Act Relating to Fees of Disclosure Commissioners" (H. P. 823) (L. D. 1062)

Messrs. NORRIS of Brewer
 COX of Bangor
 OUELLETTE

of South Portland

Bill "An Act Regarding the Membership of School Committees and Boards of School Directors" (H. P. 1088) (L. D. 1342)

Messrs. HICHENS of Eliot
 MILLETT of Dixmont

Mrs. CUMMINGS of Newport

Bill "An Act Relating to Membership on the Board of School Directors" (H. P. 981) (L. D. 1265)

Messrs. MILLETT of Dixmont
 FINEMORE

of Bridgewater

DUDLEY of Enfield

Respectfully,

Signed: BERTHA W. JOHNSON
 Clerk of the House

Which was Read and Ordered
 Placed on File.

**Senate Papers
 Legal Affairs**

Mr. MacLeod of Penobscot presented

Resolve, Changing Name of Louse Island, Penobscot County, to Thoreau Island. (S. P. 457)

(Approved for appearance on the calendar pursuant to Joint Rule No. 10.)

Signed: JERROLD B. SPEERS
 Secretary of the Senate)

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, it is rather late in the session to admit a bill, but the Committee on Reference of Bills felt that this had particular signifi-

cance and I hope that it is accepted by the Senate.

Thereupon, the Resolve was referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

Taxation

Mr. Wyman of Washington presented

Bill, "An Act to Amend the Jet Fuel Tax." (S. P. 458)

(Approved for appearance on the calendar pursuant to Joint Rule No. 10.

Signed: JERROLD B. SPEERS
Secretary of the Senate)

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, this is merely a clarification requested by the Taxation Department relative to a bill we have already enacted into law. The Taxation Department was bothered about how it was interpreted and this is merely an order to enable them to administer the law as the sponsors wish.

Thereupon, the Bill was referred to the Committee on Taxation and Ordered Printed.

Sent down for concurrence.

Committee Reports Ought Not to Pass

The Committee on Judiciary on Bill, "An Act Relating to Increasing Fines in the Superior Court." (H. P. 520) (L. D. 691)

Reported that the same Ought Not to Pass.

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Provide Free of Charge Hearing Aids to Those Persons Earning Less than Four Thousand Dollars Annually." (H. P. 850) (L. D. 1092)

Reported that the same Ought Not to Pass.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

The Committee on Business Legislation on Bill, "An Act Providing for Uniform Deceptive Trade Practices Act." (H. P. 950) (L. D. 1229)

Reported that the same Ought Not to Pass.

Comes from the House, Bill Substituted for the Report and subsequently referred to the Committee on Judiciary.

Which report was Read.

On motion by Mr. Logan of York, tabled and tomorrow assigned, pending Acceptance of the Committee Report.

Ought to Pass

The Committee on State Government on Bill, "An Act Relating to Expenditures from Aeronautical Fund." (H. P. 72) (L. D. 72) Reported that the same Ought to Pass.

The Committee on Natural Resources on Bill, "An Act Classifying Marsh Stream, Waldo County." (H. P. 1044) (L. D. 1367) Reported that the same Ought to Pass.

Comes from the House, the reports Read and Accepted and the Bills Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills Read Once and tomorrow assigned for Second Reading.

The Committee on State Government on Resolve, Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives. (H. P. 1015) (L. D. 1323) Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Recommitted to the Committee on State Government.

Which report was Read and Accepted, the Bill Read Once and tomorrow assigned for Second Reading.

The Committee on Health and Institutional Services on Bill, "An Act Increasing Amount of State Grants for Community Mental Health Service." (H. P. 325) (L. D. 412) Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-296).

Which report was Read and Accepted in concurrence and the Bill Read Once. House Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended,

tomorrow assigned for Second Reading.

**Ought to Pass
As Amended**

The Committee on Agriculture on Bill, "An Act Creating the Maine Meat Inspection Act." (H. P. 306) (L. D. 493) Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-279).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: In the back of my mind there is a nagging impression that when this bill was first proposed as part of the Governor's Budget Message there was a substantial price tag attached to it. I would ask someone on the committee as to whether there is present or future costs attached to this bill.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: The way the law is written now, if we don't do anything about inspection for the State to go in with the Federal Government, together, and let the State take over the inspection of the meat, all meat places in the State of Maine that are not federally-inspected will be closed on December 15th. By passing this law the Federal Government automatically gives you a year.

The second thing is that when the poultry inspection started the Federal Government was paying 50 per cent of the cost and right now they are paying all of the cost. The Federal Government doesn't want to go into any state and close small businesses. As of today, I have the only federally-inspected meat plant in the State of Maine. If we don't pass this law, on December 15th all the other small slaughter houses will be out of business. We are not spending any money for this bill, because

in Congress they have a lot of bills now to revise this law. They have in some bills that any small business that does less than a quarter of a million dollars a year should be exempt. I feel by the time they get done talking in Washington the Federal Government will pay the whole of it. The second thing is that, according to the way the law is written, that the Governor of the State has always the right to cancel this contract with the Federal Government. So the only thing we are doing now is that by passing this law we are letting the small fellows stay in business and the State wouldn't be spending any money for it.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, it turns out that I didn't have to go physically very far to get an answer to my question. I think certainly none of us here want to be a party to putting small business out of operation. I found the part in the Governor's Budget Message that was of interest to me. I would like to read it: "It is my recommendation that \$408,261 in supplemental appropriations be appropriated to the Department of Agriculture. Almost all of this request is to implement a new meat inspection program consistent with the Wholesale Meat Act of 1968 passed by the Congress. Because of Federal matching funds anticipated, the net cost to the State of this activity will be at least \$150,000 less than the appropriation. I think perhaps the Senator from Kennebec, Senator Levine, is pointing out this appropriation would not become a fact of life, at least not for a year. But there are some questions as to a program that would cost \$400,000, and I suggest, because it is new to us, that someone might table it until later in the week and let us resolve the question as to whether or not indeed an appropriation is required.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President, if I may speak briefly on this

matter, the State of Maine and all the other States have two choices: either we can pass our own act or we can do nothing. If we do nothing, as Senator Levine has pointed out, the feds will step in and take over the inspection of all meat plants in the State. If the State of Maine passes this act, then inspection will come under our own State Department of Agriculture, with the Federal Government paying fifty per cent of the cost of this inspection.

Now this bill puts it right to us. We talk about our states' rights, we talk about running our own business, we talk about the encroachment of the Federal Government on the activities of the State, and here is an area in which we have an opportunity to express ourselves. I am fully in accord with the intent, purposes, or results of this act. I think the State of Maine should stand on its own feet, even if it is going to cost us some money. I am not familiar with the timing of this, but my understanding of it was, as in the Governor's message, that our share, if we choose to act, will be in the neighborhood of \$400,000. Thank you, Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Thereupon, on motion by Mr. Cianchette of Somerset, tabled and specially assigned for May 15, 1969, pending Acceptance of the Committee Report.

The Committee on Public Utilities on Bill, "An Act to Amend the Charter of the Auburn Sewerage District." (H. P. 610) (L. D. 798)

Report that the same Ought to Pass as Amended by Committee Amendment "A" (H-238).

The Committee on Business Legislation on Bill, "An Act Relating to Unfair and Coercive Insurance Requirements." (H. P. 886) L. D. 1145)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-281).

The Committee on Judiciary on Bill, "An Act Broadening the Scope

of the Uniform Arbitration Act." (H. P. 937) (L. D. 1198)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-289).

The Committee on Public Utilities on Bill, "An Act Relating to Contracts Between University of Maine and Town of Orono for Sewer Charges." (Emergency) (H. P. 1134) (L. D. 1460)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-280).

Come from the House, the reports Read and Accepted and the Bills Passed to be Engrossed as Amended by Committee Amendments "A."

Which reports were Read and Accepted in concurrence and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence and the Bills, as Amended, tomorrow assigned for Second Reading.

The Committee on Business Legislation on Bill, "An Act Relating to Powers of Attorney on Accounts in Savings Banks." (H. P. 660) (L. D. 847)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-243).

Comes from the House, the report Read and Accepted and the Bill Recommended to the Committee on Business Legislation.

On motion by Mr. Logan of York, Recommended to the Committee on Business Legislation in concurrence.

Ought to Pass in New Draft

The Committee on Liquor Control on Bill, "An Act Relating to Fee for Certificate of Approval to Sell Malt Liquor." (H. P. 701) (L. D. 901)

Reported that the same Ought to Pass in New Draft and Under New Title: "An Act Relating to Fee for Breweries and Wholesale Outlets to Sell Malt Liquor." (H. P. 1178) (L. D. 1499).

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Bill in

New Draft, Read Once and tomorrow assigned for Second Reading.

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Bag Limit on Bears." (H. P. 328) (L. D. 415)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Bag Limit on and Registration of Bears." (H. P. 1170) (L. D. 1492).

The Committee on Business Legislation on Bill, "An Act to Revise the Laws Relating to Real Estate Brokers and Salesmen." (H. P. 133) (L. D. 155)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1176) (L. D. 1497).

Come from the House, the reports Read and Accepted and the Bills, in New Draft, Passed to be Engrossed as Amended by House Amendments "A."

Which reports were Read and Accepted in concurrence and the Bills, in New Draft, Read Once. House Amendments "A" were Read and Adopted in concurrence and the Bills, as Amended, tomorrow assigned for Second Reading.

Divided Report

The Majority of the Committee on State Government on Bill, "An Act Increasing Compensation of Members of the Legislature." (H. P. 73) (L. D. 73)

Reported that the same Ought to Pass.

(Signed)

Senators:

WYMAN of Washington
LETOURNEAU of York
BELIVEAU of Oxford

Representatives:

WATSON of Bath
MARSTALLER
of Freeport
STARBIRD of Kingman
RIDEOUT of Manchester
D'ALFONSO of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

(Signed)

Representatives:

DENNETT of Kittery
DONAGHY of Lubec

Comes from the House, that Majority Ought to Pass Report Read

and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted, the Bill Read Once and tomorrow assigned for Second Reading.

Ought to Pass

The Committee on Education on Bill, "An Act Relating to the Borrowing Capacity of School Administrative District No. 64." (H. P. 1164) (L. D. 1490)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed.

Which report was Read and Accepted in concurrence and the Bill Read Once.

Thereupon, under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed in concurrence.

Senate

Ought to Pass in New Draft

Mr. Barnes for the Committee on Transportation on Bill, "An Act Regulating Snowmobiles." (S. P. 184) (L. D. 586)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 455) (L. D. 1501)

Which report was Read.

On motion by Mr. Anderson of Hancock, tabled and specially assigned for May 14, 1969, pending Acceptance of the Committee Report.

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Permitting Employment of State Prison and Reformatory Inmates on County and Municipal Public Works Projects." (H. P. 497) (L. D. 651) ask leave to report: That the Senate recede from Passage to be Engrossed as amended by Senate Amendment "A"; that the Senate recede from adoption of Senate Amendment "A"; that Senate Amendment "A" be Indefinitely Postponed; that the Bill be Passed to be Engrossed;

That the House recede and concur with the Senate.

On the part of the Senate:
PEABODY of Aroostook
CONLEY of Cumberland
MARTIN of Piscataquis

On the part of the House:
MacPHAIL of Owls Head
LEWIN of Augusta
RICHARDSON of Stonington

Which report was Read and Accepted.

Thereupon, the Senate voted to recede from its former action whereby the Bill was Passed to be Engrossed as Amended by Senate Amendment "A", and subsequently voted to recede from its action whereby Senate Amendment "A" was adopted.

Thereupon, Senate Amendment "A" was Indefinitely Postponed and the Bill Passed to be Engrossed.

Sent down for concurrence.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House

Bill, "An Act Amending Funeral Directors' Law." (H. P. 761) (L. D. 981)

Bill, "An Act Relating to Bills Submitted by Charitable Organizations for State Aid." (H. P. 1026) (L. D. 1335)

Bill, "An Act Relating to the Treatment of Venereal Disease in Minors Without Parental Consent." (H. P. 1066) (L. D. 1395)

Resolve, Authorizing Forest Commissioner to Exchange Land in T2 R6 (Big Squaw) BKP, EKR, Piscataquis County. (H. P. 1163) (L. D. 1485)

Which were Read a Second Time and Passed to be Engrossed in concurrence.

Bill, "An Act Relating to Installation of Sprinkler Systems in Hotels." (H. P. 260) (L. D. 336)

Which was Read a Second Time.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending Passage to be Engrossed.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act Relating to Classifying Certain Waters of the St. John River Basin. (H. P. 639) (L. D. 827)

An Act Relating to Referendum Provisions Under Charter of City of Waterville. (H. P. 959) (L. D. 1240)

An Act Relating to Bond Issues Under Waterville City Charter. (H. P. 960) (L. D. 1241)

An Act to Eliminate Public Debt Amortization Fund Under Waterville City Charter. (H. P. 961) (L. D. 1242)

An Act to Tax Licensed Marine Worm Dealers. (H. P. 1158) (L. D. 1479)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act Relating to Duties of School Committees Concerning Salaries of Persons Employed by Them Who Are Absent. (H. P. 270) (L. D. 346)

An Act Relating to Debt Limit of the Waterville Sewerage District. (S. P. 272) (L. D. 910)

An Act Relating to Distribution of Malt Liquor. (S. P. 441) (L. D. 1464)

An Act to Create Traffic Violations Bureaus in the District Courts (H. P. 768) (L. D. 988)

(On motion by Mr. Sewall of Penobscot, temporarily set aside.)

An Act to Grant a Council-Manager Charter to the Town of Gray. (H. P. 170) (L. D. 209)

An Act Relating to a Maine-New Hampshire Interstate School Compact. (S. P. 387) (L. D. 1378)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act Relating to Sharing Costs in a School Administrative District. (S. P. 122) (L. D. 384)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act Revising the Savings and Loan Laws. (H. P. 314) (L. D. 401)

Which, except for the tabled matters, were passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

On the matter set aside at the request of Mr. Sewall of Penobscot, An Act to Create Traffic Violations

Bureaus in the District Courts, (H. P. 768) (L. D. 988), on further motion by the same Senator, the Senate voted to reconsider its previous action whereby the Bill was Passed to be Engrossed.

The same Senator then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-134, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in Non-concurrence.

Sent down for concurrence.

Orders of the Day

The President laid before the Senate the first tabled and specially assigned matter:

SENATE REPORTS — from the Committee on Judiciary on Resolve Authorizing the Estate of David L. Hilton, Formerly of Wells, Maine, to sue the State of Maine (S. P. 209) (L. D. 618) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — May 9, 1969, by Senator Logan of York.

Pending — Acceptance of Either Report.

Mr. Logan of York moved that Senate accept the Minority Ought to Pass Report of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: In opposing the motion of the gentleman, the good Senator, I don't wish to delay this any further; I will debate it now as well as any time. This is a matter on which there is a law suit pending. The law suit involves the death of a man who was apparently sought by the police and apparently shot by a state trooper.

Now, the matter is in the courts of the State, and at a certain point in the suit the suit was held up and it is now pending. It is pending to see whether or not this bill will go through the Legislature. If the law suit that is now pending should be resolved in favor of the police officer, the state trooper, then there certainly would be no need for this legislation. If the law suit should go against him, and an award of

damages was made, then there would still be time for the State of Maine to step in and pick up the tab. As a matter of fact, the State of Maine is presently, and has from the beginning, providing this state trooper with legal counsel and has given him his law work free of charge, according to the testimony that we had in the committee. I am not to say that that isn't as it should be, but we felt, those of us in the majority on the committee, felt that if the State of Maine should step right in at this point, right in the middle of this law suit and say that a new suit should be brought and that the coffers of the State of Maine are automatically open, that it would unduly prejudice the affair. It would mean that the State of Maine was opening up the treasury to a certain extent to this action, and that might affect the triers of the act, and they might feel that with the deep-pocketed State of Maine in it that they might be influenced to find liability and to make an award against the state police officer. There is time, if this action should go the other way, there is time for the State of Maine to step in and back up the officer as it already is in the action.

Some of us lawyers on the committee didn't think that it was a good thing to do to upset this present action that is going on. They stopped all of their proceedings pending this law suit. I couldn't, myself, see any good reason for our doing that. If there had been an award and if the man had been found negligent in the act, then the State could consider that since he was a state trooper, a state policeman, that the State would stand behind him in the damage situation. But let's first find out whether or not there is any liability. I think that is what the court should do. That was the reason for the Majority Ought Not to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President and Members of the Senate: We have before us in this

bill a matter that is of considerable importance to the State, considerable importance to the law enforcement community, and certainly of considerable importance to the individuals involved, and you may be certain that the eyes of every state trooper, sheriff, town constable, and their families are on us today.

Now, the facts are not in dispute. This case involves a man, one David Hilton of Wells, Maine, a fugitive from justice, wanted on a felony charge. The police were informed that Hilton was being harbored by his parents in the parents' home. On this information, they surrounded this house one night and called to Hilton to surrender. Hilton was well known to the police and was a known runner. He performed according to his record that night; he came out of a window and ran down the driveway. A police officer called to him to halt and fired a warning shot, and Hilton, as was his custom, added speed and disappeared around the corner with the officer in pursuit. He ran across a field and headed toward the woods. Mind you, this was in the nighttime, and the officer fired another shot and Hilton fell dead. At that time the young man's parents raised quite a fuss and, to avoid any charge that there might possibly be a white-wash, the Attorney General presented the state trooper to the grand jury, and after an investigation they returned a no bill; they found no criminal act. Hilton's parents then turned around and lodged a \$100,000 civil suit against the state trooper. It is ironic that the people who were harboring this fugitive are now seeking to profit from his death.

Now let me mention at this juncture that from my understanding of the conversation that I have had with members of the Judiciary Committee, both the majority and the minority, there is agreement that the State of Maine has an obligation in this matter. But where we part company is in the means of how we go about this. The approach of the majority, if I understand it correctly, is this:

Let the officer stand trial alone and when a judgment is made, assuming that there is a judgment, then let him come to the State for relief, but let us not now interrupt the trial in progress. Further, if the State steps in, it is an invitation to a big settlement since the State can afford it. Now, there can be, in my judgment, no question but what the State must stand behind this man. The trooper wasn't there because he wanted to be there; he was there because he was told to be there. That dark night that state trooper was clearly an agent for the State of Maine.

Now, this bill calls for a trial without jury before three justices of the Superior Court. To argue that such a tribunal would frivolously or capriciously make an award simply because the State of Maine was the defendant is not, in my opinion, a sound argument, and would tend, I am sure unknowingly, to cast aspersions on our judicial system. I am certain that any judgment from that tribunal would be appropriate.

To argue that the progress of the trial should not be interrupted at this point, or that this is an unsound or unusual practice, is again not valid. There is indeed precedent. A suit was pending against the then superintendent of the State School for Boys alleging negligence by one Kenneth H. and Ernestine Y. Boynton. By agreement between counsel for the plaintiffs and the office of the Attorney General a resolve was presented, and it became Chapter 81 of the Resolves of 1955. A suit was brought pursuant to that resolve, and the personal suit against the superintendent was dropped. I am informed that the case was tried and judgment was entered for the State.

To argue that the officer should stand trial alone and then come to some future legislature for relief is dangerous and, in my opinion, fraught with risk. This legislature cannot bind any future legislature. If we agree that this trooper should be protected, it is our obligation to do so now. Otherwise, we are asking for this man, this agent of the State, to take all of the risk. Now, while you and I may follow a finely drawn logic

in a matter such as this, the public, I think, will not. If we fail to pass this bill, what will be presented to our police, to their families and the public, is that an officer who shot a man while on duty is on trial and that the State will not intervene. The effect on the morale, I think, would be serious. It would be difficult to hire recruits. After all, who needs this kind of trouble on that kind of pay?

Now, let us assume that we stand aside and let this man stand trial, and let us assume that there is no judgment made, he then will not be coming back to this legislature, and all that will remain in the minds of our law enforcement officers and the public is the unalloyed fact that the State of Maine did not stand behind this trooper. This effect, I submit, will continue for years and will remain in the minds of our police and they will act accordingly.

Let us assume that a judgment is made against this officer. His means are limited, and while he is waiting for the legislative mill to grind slowly to its uncertain end he is going to be subject to all of the harassments and problems that a creditor knows how to give a poor debtor. I am sure that we are all familiar with the types of measures that are available to creditors in this area.

Now, there is legislation that will be presented to us to provide insurance for police officers against just such a contingency as this. I think it would be very ironic if we stood aside, let this man stand trial, and then later on passed legislation that would have protected him.

Mr. President and Members of the Senate, I do not see how we can stand aside in this matter. I do not see how we can say to this man "You take all the risks, the risk of life, risk of property, risk of your security, and come to the next legislature for help. We can't guarantee you anything, but we think that you must take your chances." I submit that we cannot abdicate our responsibilities in this matter. Thank you, Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: It is overlooked here that the State of Maine is giving this man the full resources of its defense free of charge, and it is giving him the regular and usual tribunal for such things. If this state trooper or you, or I, were driving an automobile on the highways of this State and caused the death of someone else, and we were sued, we would have the same tribunal that is provided this gentleman now, a jury trial. This would appear to be a device to get around a jury trial. Perhaps this trooper and perhaps these people who sponsor this bill don't trust the juries in York County, but this man is getting just what every other citizen in York County gets when he is charged with negligence; he is getting a chance for a jury trial. If he is acquitted, or if he is found not negligent, then there is nothing to worry about. If he were driving an automobile and negligently ran over someone, I am sure he wouldn't be in here asking for a special tribunal of three judges to try the case. Why is it that the people in York County want some different type of tribunal other than what the good Senator himself would have if he were charged with negligence in York County?

I don't like the implication that the State of Maine is in any way abrogating its responsibilities here. It is giving him exactly what every other citizen gets. If a citizen is free of negligence he has nothing to worry about, and I don't think that this gentleman has anything to worry about at the hands of a good York County jury.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President, may I inquire as to the signers of the two reports?

The SECRETARY: The signers of the Majority Ought Not to Pass Report were Senators Violette of Aroostook, Quinn of Penobscot, Mills of Franklin, and Representatives Foster of Mechanic Falls, Berman of Houlton, Hewes of Cape

Elizabeth, Moreshead of Augusta. The Minority Ought to Pass Report is signed by Representatives Heselton of Gardiner, Brennan of Portland and Danton of Old Orchard Beach.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President and Members of the Senate: If I may respond to my distinguished colleague, Senator Mills, I have been advised that the system of using three justices of the Superior Court was selected, not only because it has precedent, but to avoid any possibility of what has been referred to here as a "deep-pocket settlement."

Secondly, I would say that this state trooper is not in the position of the average citizen in York County or the average legislator. This man is involved in an entirely different kind of work, dangerous work, and work that exposes him to risks and to actions such as we see here. It simply is not analogous. Under the extraordinary conditions of which our police officers operate, and what they are asked to do, I think that they deserve and must have the consideration, support and the backing of the State of Maine. Thank you.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from York, Senator Logan, that the Senate accept the Minority Ought to Pass Report of the Committee. As many as are in favor of accepting the Minority Ought to Pass Report of the Committee will say "Yes"; those opposed, "No."

A viva voce vote being taken, the motion prevailed.

Thereupon the Resolve was Read Once and tomorrow assigned for Second Reading.

The President laid before the Senate the second tabled and specially assigned matter:

Bill, "An Act Relating to Truth in Packaging." (H. P. 951) (L. D. 1230)

Tabled—May 9, 1969, by Senator Katz of Kennebec.

Pending—Enactment.

Thereupon, the bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Hoffses of Knox, adjourned until 9 o'clock tomorrow morning.